



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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**MEMORANDUM**

**TO:** Philip E. Stutzman, Director of Compliance

**FROM:** Vicki Rippie, Executive Director

**DATE:** August 29, 2008

**SUBJECT:** Complaint – Vic VanderSchoor, Candidate for Benton/Franklin Counties Superior Court Judge, and Vic VanderSchoor Campaign

**RCW 42.17.040** requires any material change in information previously submitted in a statement of organization (PDC form C-1), including changes in reporting options, to be reported to the commission and to the appropriate county elections officer within ten days following the change.

**RCW 42.17.080 and 090** require candidates under the full reporting option to file timely, accurate reports of contributions and expenditures.

**WAC 390-16-105** states that a candidate shall not be required to comply with the provisions of RCW 42.17.065 through 42.17.090 except as otherwise prescribed in WAC 390-16-038, 390-16-115, and 390-16-125 when neither aggregate contributions nor aggregate expenditures exceed the amount of the candidate's filing fee provided by law plus a sum not to exceed \$5,000 and no contribution or contributions from any person other than the candidate within such aggregate exceed \$500.

**WAC 390-16-125** states that a candidate shall apply in writing to the commission for authorization to change reporting options before the limitations specified in WAC 390-16-105 are exceeded. A complete application must include: (1) an amended candidate registration selecting the full reporting option; (2) appropriate C-3 and C-4 forms with schedules; and (3) a statement affirming that all opposing candidates have been notified of the change in reporting options. Exceeding the aggregate contributions or aggregate expenditures specified in WAC 390-16-105 without complying with the provisions of WAC 390-16-125 constitute one or more violations of chapter 42.17 RCW or Title 390 WAC.



**Summary:**

On May 19, 2008, Vic VanderSchoor filed a Candidate Registration (form C-1) stating that he was seeking election to the position of Superior Court Judge in Benton/Franklin counties. **(Exhibit 1)** He selected the Mini Reporting option, certifying that in addition to the filing fee, he would raise and spend no more than \$5,000 and accept no more than \$500 from any contributor other than himself.

Staff has learned that Mr. VanderSchoor and his campaign: (1) exceeded the contribution and expenditure limits of the Mini Reporting option prior to completing an application to change options; and (2) made expenditures which made it impossible to return to compliance with the limits of the Mini Reporting option. Therefore, Mr. VanderSchoor's application to change to the Full Reporting option could not be processed or approved. The relevant facts are as follows:

1. On June 9, 2008, Mr. VanderSchoor deposited \$30,000 of his personal funds into his campaign account. Under the Mini Reporting option, the limit on total contributions raised, including contributions from a candidate's personal funds, is \$5,000 in addition to the candidate's filing fee.
2. On June 12, 2008, Mr. VanderSchoor and his campaign made a payment of \$20,073.50 from campaign funds to purchase political advertising signs. The expenditure was included on a C-4 report received July 3, 2008. **(Exhibit 2)** The C-4 also included the \$30,000 contribution.
3. On June 13, 2008, Mr. VanderSchoor amended his C-1 Candidate Registration, selecting the Full Reporting option, and filed a C-3 report disclosing the \$30,000 monetary contribution that was deposited on June 9, 2008. **(Exhibit 3)** The letter requesting to change reporting options was not received until July 3, 2008.
4. On June 16, 2008, Public Disclosure Commission (PDC) staff sent an email to the campaign informing Mr. VanderSchoor of the steps necessary to change to the Full Reporting option. PDC staff informed Mr. VanderSchoor that a request to change reporting options could not be approved if he was not in compliance with the limits of the Mini Reporting option. PDC staff instructed him to have the campaign refund \$25,000 of his contribution to return the campaign to compliance with the limits of the Mini Reporting option.
5. Also on June 16, 2008, PDC staff left a detailed voice message with the campaign treasurer, Mark Morrisette, asking him to review the PDC instructions sent to the campaign. Mr. Morrisette requested that a copy of the PDC's instructions be sent to him at his business email address. On June 16, 2008, the requested information was sent to Mr. Morrisette as requested.
6. On June 25, 2008, after no response had been received, PDC staff again sent written instructions to Mr. Morrisette and to the campaign's email address, reminding Mr. VanderSchoor of the steps necessary to apply for a change in

reporting options, including the requirement to return to compliance with the limits of Mini Reporting by refunding at least \$25,000 of Mr. VanderSchoor's contributions.

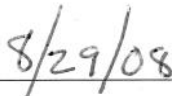
7. In a letter received June 26, 2008, Mr. VanderSchoor stated that he had contributed \$30,000 to his campaign, and had made expenditures totaling \$20,396.83.
8. On June 27, 2008, PDC staff received a voice message from Mr. VanderSchoor professing confusion at the requirements for changing reporting options. In his voice message, he indicated that the PDC instructions sent to his campaign email address had been received. That same day, PDC staff returned Mr. VanderSchoor's call, and he stated that the signs purchased with \$20,073.50 of his money had been produced and were posted in the community. PDC staff told Mr. VanderSchoor that his campaign was out of compliance with the limits of Mini Reporting, and opined that it did not appear that he could return to compliance. Also on June 27, Mr. Morrisette contacted PDC staff and confirmed that he had received the instructions sent to him by email.
9. Absent specific circumstances identified in rule, the final date for changing to the Full Reporting option for the 2008 primary election was July 8, 2008.
10. On July 3, 2008, Mr. VanderSchoor submitted a written request to PDC staff, asking for permission to change from the Mini Reporting option to the Full Reporting option. **(Exhibit 4)** The request included a copy of an amended C-1, received June 13, 2008, selecting the Full Reporting option, a copy of a letter to his opponent, Robert Thompson, dated June 27, 2008, and a copy of an email sent to PDC staff dated June 27, 2008 confirming how and when his opponent was notified of his request to change reporting options. As noted previously, a campaign-to-date C-3 was received June 13, 2008, and a campaign-to-date C-4 was received July 3, 2008.
11. On July 29, 2008, the campaign filed a 21-day pre-primary election C-4, showing an additional \$6,792.02 in monetary expenditures, bringing total campaign expenditures to \$27,188.85. **(Exhibit 5)**
12. On August 11, 2008, the campaign filed a 7-day pre-primary election C-4, showing an additional \$2,798.46 in monetary expenditures, bringing total campaign expenditures to \$29,987.31. **(Exhibit 6)**
13. On August 12, 2008, the campaign filed a C-3 report disclosing an additional contribution from Mr. VanderSchoor totaling \$1,430. **(Exhibit 7)**

**Alleged Violations:**

The facts referenced above provide reason to believe that Vic VanderSchoor, a candidate for Superior Court Judge, and his campaign, may have violated: (1) WAC 390-16-105 when Mr. VanderSchoor contributed \$30,000 to his campaign on June 9, 2008, by making a \$20,073.50 expenditure on June 12, 2008, both after having selected the Mini Reporting option, and by making an additional contribution and additional expenditures after being informed that he and his campaign were out of compliance with the limits of the Mini Reporting option; and (2) WAC 390-16-125 by not applying in writing to the commission for authorization to change reporting options before the limitations specified in WAC 390-16-105 were exceeded.

Based on this information, I am filing this complaint and directing staff to investigate the allegations that Vic VanderSchoor and his campaign may have violated Title 390 WAC.

  
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Vicki Rippie  
Executive Director

  
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Date

**EXHIBITS LIST**

- Exhibit 1**      Candidate Registration Statement (C-1) filed May 19, 2008
- Exhibit 2**      C-4 Report received July 3, 2008 showing initial expenditures
- Exhibit 3**      Amended C-1 received June 13, 2008 and C-3 received June 13, 2008
- Exhibit 4**      Letter requesting change in reporting options
- Exhibit 5**      21-day pre-primary election C-4 report
- Exhibit 6**      7-day pre-primary election C-4 report
- Exhibit 7**      C-3 report received August 12, 2008